



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This *MS4 SWPPP Application for Reauthorization* form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of North Oaks *County: Ramsey
(city, county, municipality, government agency or other entity)

*Mailing address: 100 Village Center Drive, Suite 230

*City: North Oaks *State: MN *Zip code: 55127

*Phone (including area code): 651-792-7750 *E-mail: mrobertson@cityofnorthoaks.com

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Pearson *First name: Paul
(department head, MS4 coordinator, consultant, etc.)

*Title: City Engineer

*Mailing address: MFRA, Inc. 14800 28th Ave North, Suite 140

*City: Plymouth *State: MN *Zip code: 55447

*Phone (including area code): 763-476-6010 *E-mail: ppearson@mfra.com

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: _____ First name: _____
(department head, MS4 coordinator, consultant, etc.)

Title: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone (including area code): _____ E-mail: _____

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this *MS4 SWPPP Application for Reauthorization* form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Michael Robertson

(This document has been electronically signed)

Title: City Administrator

Date (mm/dd/yyyy): 11/25/2013

Mailing address: 100 Village Center Drive, Suite 200

City: North Oaks

State: MN

Zip code: 55127

Phone (including area code): 651-792-7750

E-mail: mrobertson@cityofnorthoaks.com

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☒ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

North Oaks does not partner directly with other small MS4s, but does work closely with the Vadnais Lake Watershed Management Organization (VLAWMO), the Ramsey County Department of Public Health, and Saint Paul Regional Water Services.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If yes:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If no:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☒ Contract language
☒ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Erosion and Sediment Control is addressed in ordinance in Chapter 154 of the City code, in contract language within the City's Developer's Agreement, and in policy through required compliance with the City's SWPPP. The ordinance is attached for reference. Other documents can be provided upon request.

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks has erosion and sediment controls addressed within the North Oaks Developer's Agreement. All parties responsible for new construction projects must sign the agreement and are then bound to abide by the requirements. However since this procedure does not meet the rules of the 2013 MS4 permit, the City's Stormwater Mananagement and Erosion & Sediment Control ordinances will need to be revised to address each of the above controls. The City will review and revise these ordinances within 12 months of permit coverage.

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The erosion and sediment controls above are addressed within the North Oaks Developer's Agreement. All parties responsible for new construction projects must sign the agreement and are then bound to abide by the requirements. However since this procedure does not meet the rules of the 2013 MS4 permit, the City's Stormwater Mananagement and Erosion & Sediment Control ordinances will need to be revised to address each of the above controls. The City will review and revise these ordinances within 12 months of permit coverage.

Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☒ Contract language
☒ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Stormwater Management is addressed in ordinance in Chapter 153.054 of the city code, in contract language within the City's Developer's Agreement, and in policy through the City's Surface Water Management Plan. The ordinance is attached for reference, and the other documents can be provided upon request. The City requires that all development projects be subject to the rules and regulations of VLAWMO, and each plan undergoes review and comment by the City's consulting civil engineer.

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

- B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).
 - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
 - a. Limitations
 - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.

- c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
- d) Where soil infiltration rates are more than 8.3 inches per hour.
- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks will plan to review & update the Stormwater Management Ordinance, SWPPP, and/or Surface Water Management Plan to address the new provisions of the 2013 MS4 Permit. During calendar year 2014, the City will work with their consulting engineer, the City attorney, and the homeowner's associations to determine which documents to update in order to maintain compliance with the MS4 requirements.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No
1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
 2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:
The City of North Oaks will work with their consulting engineer and city attorney to develop and implement ERPs within the Ordinance, SWPPP, and Developer's Agreement that satisfy the requirements of the Permit during calendar year 2014.

B. Describe your ERPs:

The City of North Oaks' SWPPP describes the process by which enforcement will be carried out, and the Illicit Discharge Ordinance and Developer's Agreement inform land developers of possible enforcement procedures. However, these documents do not provide the level of detail required by the 2013 MS4 Permit. The City relies on VLAWMO to provide inspections and enforcement for projects that fall under watershed jurisdiction.

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City of North Oaks has inventoried all storm sewer lines 24" in diameter or greater as a part of their Surface Water Management Plan. However, all storm sewer within city limits is privately owned and maintained by a homeowner's association.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☐ Yes ☒ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☐ Yes ☒ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☐ Yes ☒ No
4. All receiving waters. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks will work with the homeowner's association, the city's consulting engineer, and the MPCA during calendar year 2014 on updating the City storm sewer map and inventory as it applies to privately owned storm sewer pipes and ponds.

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☐ Yes ☒ No
2. A geographic coordinate. ☐ Yes ☒ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☐ Yes ☒ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks will work with the homeowner's association, the city's consulting engineer, and the MPCA during calendar year 2014 on updating the city storm sewer map and inventory as it applies to privately owned storm sewer pipes and ponds.

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA ☐ Yes ☒ No

on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4> , according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The City of North Oaks holds an annual educational meeting at the same time as the annual public SWPPP hearing. This meeting is televised to City of North Oaks residents through the City's local cable access. This meeting provides an overview of the MS4 Phase II program, the current status of the MS4 SWPPP plan, and discusses terms and practices associated with the City's activities in these areas.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
NOHOA Newcomer's Packet	Log & date recipients of packet at each occurrence. Ongoing.
Spring & Fall Newsletters	Log & date distribution list at each occurrence. Ongoing.
Educational material on City Website	Log page views once per year beginning within 12 months of permit coverage.
"Sensitive Area" signage	Map signage locations & information contained within 12 months of permit coverage.
BMP categories to be implemented	Measurable goals and timeframes
Update City website with current information	Complete within 12 months of permit coverage.

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

North Oaks City Administrator

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The City of North Oaks holds an annual educational meeting at the same time as the annual public SWPPP hearing. This meeting provides an opportunity for residents to raise any stormwater related questions they may have with City staff and City's consulting engineer. Feedback on current City programs is solicited and opportunities for further public involvement are discussed. This meeting is also televised to City residents through local cable access.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual educational meeting	Log attendance & transcribe discussion at each occurrence. Ongoing.
Organized Earth Day clean-up (NOHOA)	Log attendance & activities completed at each occurrence. Ongoing.
Organized annual tree planting (NOHOA)	Log number of trees planted at each occurrence. Ongoing.
Televised annual educational meeting & solicit feedback	Log viewership potential & document any feedback received from solicitation at each occurrence. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Formalize citizen participation process	Develop within 12 months of permit coverage as described below and begin tracking on an ongoing basis.

3. Do you have a process for receiving and documenting citizen input? ☐ Yes ☒ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City of North Oaks will plan to develop a process during within 12 months of permit coverage whereby citizen input is tracked and documented. The City will utilize a spreadsheet to log any received citizen input, including the name of person submitting input, the date received, and a summary of the correspondence. An electronic copy of any written correspondence will be kept in a network folder along with the tracking spreadsheet. This information will be reviewed periodically, but no less than once per year at the annual MS4 meeting. This plan is subject to the review and approval of the City Council and City Administrator.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

North Oaks City Administrator

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City has developed an Illicit Discharge & Connection Storm Water Ordinance that discusses illicit discharge detection & elimination. The City also covers some of this information within the SWPPP and Developer's Agreement, which every development in the City must agree to and comply with.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
- Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
- Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☐ Yes ☒ No
- Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could ☐ Yes ☒ No

result in an illicit discharge.

- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☒ Yes ☐ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☒ Yes ☐ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks will work with the homeowner's association, the City's consulting engineer, the City attorney, and the MPCA within 12 months of permit coverage on updating the illicit discharge ordinance, SWPPP, and Developer's Agreement so that compliance with the current MS4 requirements is achieved.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Review ordinance on an annual basis to ensure that it continues to satisfy the requirements of the MS4 Permit and any other legal conditions. Ongoing.
Inspections	Representatives from the City, the homeowner's association, and their consultants passively monitor for illicit discharges as a part of their ordinary duties, and respond to any reported discharges. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Training	All employees will be given written guidance on changes to the illicit discharge ordinance and what items to keep watch for. City employees, consultants, and individuals with direct responsibility for inspections will be given formal training on changes to the MS4 permit and city ordinance within 12 months of permit coverage.
Inspections	Individuals with inspection responsibility will be trained on new MS4 requirements and the scope of inspections expanded as needed in order to maintain compliance within 12 months of permit coverage.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

The City of North Oaks will plan to develop a process within 12 months of permit coverage whereby illicit discharges are tracked and documented. The City will utilize a spreadsheet to log reported illicit discharges, including the date of occurrence, the date remedied, the nature of the illicit discharge, the party or parties responsible for the discharge, the party or parties responsible for the clean-up, and a summary of the correspondence. An electronic copy of any written correspondence will be kept in a network folder along with the tracking spreadsheet. This information will be reviewed periodically, but no less than once per year at the annual MS4 meeting. This plan is subject to the review and approval of

the City Council and City Administrator.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

North Oaks City Administrator

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City has developed a SWPPP and Erosion Control Ordinance that all construction projects must abide by throughout the duration of land disturbing activities. Each project is legally bound to follow the SWPPP per a Developer's Agreement established between the project owner and City of North Oaks. All projects are also subject to review, approval, inspection, and enforcement by the City's consulting engineer and VLAWMO.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
 - b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
 - c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No
 - d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
 - e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
 - f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
 - g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

The City of North Oaks will plan to review & update the Stormwater Management Ordinance, SWPPP, and/or Surface Water Management Plan to address the new provisions of the 2013 MS4 Permit. Within 12 months of permit coverage, the City will work with their consulting engineer, the City attorney, and the homeowner's association to determine which documents to update in order to maintain compliance with the MS4 requirements.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Project Review	All land disturbing projects are subject to review and approval by the City Engineer and VLAWMO. Developers are legally bound to the terms of the Developer's Agreement, including compliance with the city's SWPPP. Ongoing.
Inspections	Regular inspections must occur and be documented per the rules of the MPCA NPDES permit and city SWPPP

	requirements. Ongoing.
Education	Public education and input occur at the annual MS4 meeting. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Project Review update	Project review procedures, the SWPPP, and Developer's Agreement will be updated as necessary per the requirements of the 2013 MS4 Permit within 12 months of permit coverage.
Inspection update	Inspection procedures will be updated per the requirements of the 2013 MS4 Permit, including development of a site inspection checklist, identification of priority sites, and a well-defined documentation system within 12 months of permit coverage.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

North Oaks City Engineer

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

The City has developed a Surface Water Management Plan (SWMP) that all new land-disturbing projects must be designed in accordance with. North Oaks lies entirely within the VLA WMO, and as such all projects are subject to the rules and requirements of VLA WMO. Each project is required to follow all applicable requirements of the SWMP and SWPPP, and is legally bound to comply with the terms of the Developer's Agreement established between the project owner and City of North Oaks.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

The City of North Oaks will plan to review & update the Stormwater Management Ordinance, SWPPP, and/or Surface Water Management Plan to address the new provisions of the 2013 MS4 Permit. Within 12 months of permit coverage, the city will work with their consulting engineer, the city attorney, and the North Oaks Homeowners Association to determine which documents to update in order to maintain compliance with the MS4 requirements.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Water quantity & quality requirements	Establishes minimum stormwater management guidance. Ongoing.
Surface Water Management Plan	Provides guidance for developer's working within the city. Ongoing.
VLAWMO review	Enforces current watershed requirements for all land disturbing development projects. Ongoing.
City review process	City engineer reviews plans for compliance with city requirements & comments on items not specifically addressed. Ongoing.

BMP categories to be implemented	Measurable goals and timeframes
Update ordinance & SWMP to meet new requirements	City to adopt updated ordinance and/or SWMP and coordinate efforts with VLAWMO within 12 months of permit coverage.
Review & update applicable field inspection procedures	City to adopt updated procedures within 12 months of permit coverage.
Review & update applicable long term maintenance procedures	City to adopt updated procedures within 12 months of permit coverage.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

North Oaks City Engineer

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The City of North Oaks is unique in that the City does not own any property, nor is it responsible for maintenance of any of the storm sewer, ponds, and other stormwater infrastructure within city limits. All infrastructure is privately owned and maintained by the homeowner's associations without City involvement or oversight. However, the entire City is a part of VLAWMO, which is involved with the City on project reviews & inspections. The homeowner's association is involved with ongoing stormwater maintenance.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City of North Oaks will work with the homeowner's association, the city's consulting engineer, and the MPCA within 12 months of permit coverage to address revised procedures for compliance with the 2013 MS4 Permit requirements as they apply to privately owned storm sewer pipes and ponds.

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Private maintenance through homeowner's association	Maintenance on an as-needed basis through private contractor of the homeowner's association(s). Ongoing.

BMP categories to be implemented	Measurable goals and timeframes
Private maintenance through homeowner's association	Procedures will be revised, as necessary, pending further discussion with the MPCA within 12 months of permit coverage.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☒ Yes ☐ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☒ Yes ☐ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☒ Yes ☐ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☒ Yes ☐ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City of North Oaks will work with the homeowner's association, the City's consulting engineer, and the MPCA within 12 months of permit coverage to address revised procedures for compliance with the 2013 MS4 Permit requirements as they apply to privately owned storm sewer pipes and ponds.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

The City of North Oaks does not have a Public Works department or any staff with responsibilities in this area. All work is conducted privately through the homeowner's association.

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No
1. If **no**, continue to section VII.
 2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.
This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No
1. If **no**, this section requires no further information.
 2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.
This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

None.

Illicit Discharge and Connection Storm Water Ordinance

ORDINANCE NO. 105

THE CITY COUNCIL OF THE CITY OF NORTH OAKS DOES ORDAIN:

§154A.01 PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of North Oaks through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

§154A.02 SCOPE OF AUTHORITY

(A) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.

(B) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

(C) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

§154A.03 DEFINITIONS.

For the purposes of this ordinance, the following means:

The City of North Oaks and its employees, agents or designees.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City or designed or used for collecting or conveying storm water, and that is not used for collecting or conveying wastewater.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of storm water.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. Publicly-owned facilities, including the MS4, by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER MANAGEMENT PLAN. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

§154A.04 APPLICABILITY.

This ordinance shall apply to all water entering the drainage system generated on any developed and undeveloped lands unless explicitly exempted by the City.

§154A.05 RESPONSIBILITY FOR ADMINISTRATION.

The City must administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City may be delegated in writing by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the agency.

§154A.06 DISCHARGE PROHIBITIONS.

(A) *Prohibition of Illegal Discharges.* No person shall throw, drain, discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water; except as follows:

(1) The water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, DE chlorinated swimming pools (typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the City as being necessary to protect public health and safety.

(3) Dye testing if verbal notification is given to the City prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA).

(B) *Prohibition of Illicit Connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) Illicit connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City.

§154A.07 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit must comply with all provisions of such permit.

§154A.08 MONITORING OF DISCHARGES.

(A) *Applicability.* This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(B) *Access to Facilities.*

(1) The City must be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

(2) Facility operators must allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

§154A.09 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

City of North Oaks will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or waters of the state. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs.

§154A.10 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§154A.11 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the State said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of North Oaks within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Records shall be retained for at least three years.

§154A.12 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

Any person violating any provision of this ordinance is guilty of a misdemeanor.

(A) *Emergency cease and desist orders.* When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's

past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened illicit discharge to the MS4 or waters of the state, which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to the violator directing it to immediately cease and desist all such violations.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger.

(C) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided in this ordinance, any condition caused or permitted to exist in violation of any of the provision of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense; and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

(D) *Assessments.* All costs, expenses and attorney fees incurred by the City in abating any public nuisance under this Ordinance may be assessed against the premises at which the violation exists as a special assessment under Minnesota Statutes Chapter 429.

§154A.13 ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effect upon its final passage and publication.

PASSED BY THE CITY COUNCIL this 14th day of June, 2012

APPROVED:

John Schaaf, Mayor, City of North Oaks

ATTEST:

Melinda Coleman, City Administrator

§ 153.054 STORMWATER MANAGEMENT.

(A) *Generally.* The following general and specific standards shall apply.

(B) *General standards.*

(1) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to waters.

(2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(3) (a) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used.

(b) Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

(4) Fertilizers containing phosphorous shall not be used within 100 feet of the Ordinary High Water Level of any public water.

(C) *Specific standards.*

(1) Impervious surface coverage of lots must not exceed 25% of the lot area.

(2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Ramsey County Soil and Water Conservation District.

(3) New constructed stormwater outfalls to waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(Ord. 84, § 5.5, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.055 SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND FORESTRY USES.

(A) Standards for commercial and industrial uses.

(1) (a) Surface water-oriented commercial uses and industrial uses with similar needs to have access to and use of waters may be located on parcels or lots with frontage on waters.

(b) Those uses with water-oriented needs must meet the following standards: in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this chapter, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

(2) Uses without water-oriented needs must be located on lots or parcels without water frontage, or, if located on lots or parcels with water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(B) Agriculture use standards.

(1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency.

(2) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(Ord. 84, § 5.6, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.056 CONDITIONAL USES.

(A) Conditional uses allowable within Shoreland Areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in division (B)(8) below.

(B) The following additional evaluation criteria and conditions apply within Shoreland Areas.

(1) *Evaluation.* A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(a) The prevention of soil erosion or other possible pollution of waters, both during and after construction;

(b) The visibility of structures and other facilities as viewed from waters is limited;

(c) The site is adequate for water supply and on-site sewage treatment; and

(d) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of waters to safely accommodate these watercraft.

(2) *Conditional use permits; conditions attached to conditional use permits.*

(a) 1. The City Council, upon consideration of the purposes of this chapter, shall attach the conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter.

2. A request for a conditional use permit shall follow the applicable procedures as set forth in this chapter.

(b) The Planning Commission shall consider the effect of the proposed conditional use and whether additional requirements may be necessary to reduce any adverse effects. Consideration shall be given to, among other things, the following factors:

1. Relationship of the proposed conditional use to the Comprehensive Plan;

2. The nature of the land and adjacent land or building where the use is to be located;

3. Whether the use will in any way depreciate the area in which it is proposed;

4. The effect upon traffic into and from the premises and on adjoining roads or highways;

5. Whether the use would disrupt the reasonable use and enjoyment of other property in the neighborhood;

6. Whether adequate utilities, roads, and other facilities exist or will be available in the near future;

7. Whether the proposed conditional use conforms to all of the provisions of this chapter;

8. Increased setbacks from the ordinary high water level;

9. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

10. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(c) Whenever an application for a conditional use permit has been considered and denied by the City Council, subsequent applications for a similar conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission and City Council until 6-months' time has elapsed unless, by a majority vote of the full City Council, this time period is waived.

(d) If all of the work entailed by the conditional use permit is not completed within the time period specified in the permit, the permit shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of this chapter.

(e) Upon approval of a conditional use permit, the city shall be provided with a performance bond in compliance with this chapter.

(3) *Amendments.*

(a) The City Council or Planning Commission may, upon their own motion, initiate a request to amend this text and/or the district boundaries of this chapter.

(b) Any owner, or expressed agent thereof, of real estate within the city may initiate a request to amend the district boundaries and/or text of this chapter.

(c) A request for an amendment shall follow the applicable procedures as set forth in division (B)(8).

(4) *Factors to be considered.* The Planning Commission, in determining the effects of the proposed amendment, shall consider, among other things, the following factors:

(a) Consistency with the Comprehensive Plan;

(b) The public need for additional land space for the requested use in the location requested;

(c) The compatibility of adjacent land uses;

(d) The possible presence and effects of noise, odors, or other nuisances; and

(e) Availability in the present or near future of necessary utilities and public services.

(5) *Variances and appeals.*

(a) The City Council shall act as the Board of Appeals and Adjustments as such have all the powers set forth in M.S. § 462.357, Subd. 6, and M.S. § 462.359, Subd. 4, as they may be amended from time to time, subject to the right of judicial review.

(b) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

1. Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this chapter. To be timely, an appeal shall be filed, in accordance with this chapter, no later than 30 days after the appellant has received a written notice from the Building Inspector; and

2. Hear and decide requests for variances from the literal provisions of this chapter in instances where the strict enforcement would cause undue hardship because of circumstances unique to the specific property under consideration.

(6) *Request for variance.*

(a) A request for a variance or an appeal shall follow the applicable procedures of division (B)(8).

(b) A variance may be granted only when it is demonstrated that:

1. Development and utilization of the specific property under consideration in accordance with this chapter would create undue hardship upon the applicant that an owner of other property within the same district would not have if he or she were to develop and utilize his or her property in the manner proposed by the applicant and/or which would result in exceptional difficulties because of the narrowness or shallowness or shape or topographical conditions or water conditions of the specific property;

2. The proposed action will not:

a. Impair an adequate supply of light and air to adjacent property;

b. Increase the danger of fire or endanger public safety;

c. Unreasonably increase the congestion in the street, road, or highway;

d. Unreasonably alter the character of, or impair established property values within, the neighborhood; and

e. Affect the natural drainage patterns of adjacent property.

3. The action shall be in keeping with the spirit and intent of this chapter.

(c) A variance may not be granted for any use that is not permitted under this chapter for property in the district where the affected person's land is located.

(7) Conditions; revocation.

(a) The City Council, serving as the Board of Appeals and Adjustments, shall also have the power to impose conditions related to the appeal or variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable to assure compliance with the intent and purpose of this chapter.

(b) If all of the work as permitted by the variance shall not have been completed within the time period specified when the variance is granted, then the variance shall become null and void and otherwise revoked unless an extension of time to complete the work has been granted by the City Council in accordance with the provisions of this chapter.

(c) Upon approval of a variance or appeal, the city shall be provided with a performance bond in compliance with division (B)(13) below.

(8) Filing request.

(a) 1. A request for a conditional use permit, and amendment, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

2. The application shall be accompanied by a nonrefundable fee as established by the City Council.

3. The application shall also be accompanied by at least 20 copies of detailed written and graphic materials fully explaining the proposed request.

4. The City Clerk shall refer the application along with all related information to the Building Inspector and to the Planning Commission.

(b) The Building Inspector shall review and analyze the request and submit a written report and recommendation to the Planning Commission within 14 days after receiving the application, which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(c) The Planning Commission shall consider the request at its next regular meeting unless the request is referred to it less than 15 days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(9) *Public hearing.*

(a) If the request is for a conditional use permit or an amendment, the Planning Commission shall hold a public hearing which hearing shall be scheduled and conducted as follows:

1. Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the city at least 10 days prior to the date of the hearing;

2. Similar notice shall be mailed at least 10 days but not more than 30 days prior to the day of hearing, to each owner of other property situated wholly or partly within 350 feet of the property to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less;

3. A copy of the notice, and, when applicable, a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings;

4. Failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply herewith has been made; and

5. The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow *Robert's Rules of Order*.

(b) When the application concerns conditional uses and/or amendments, the Planning Commission shall make findings of fact and recommend approval or denial within 60 days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(10) *Findings of fact.*

(a) The City Council shall not consider a conditional use permit or an amendment until it has received the findings and recommendation from the Planning Commission unless more than 60 days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative.

(b) The City Council shall make findings of fact and render a decision within 60 days after it receives any recommendation from the Planning Commission or takes its own initiative. All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(c) Approval of a request for a conditional use or an amendment to this chapter shall be by affirmative vote of 4/5 of the full City Council.

(11) *Applications; approval.* When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within 60 days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council. The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Appeals and Adjustments and the City Council.

(12) *Petition for extension of time.*

(a) An extension of time as provided for in this chapter shall be made in writing and filed, without charge, with the City Clerk at least 30 days before the expiration of the granted application or extension thereof.

(b) This petition shall state facts showing a good faith attempt to complete the work permitted in the original application.

(c) The petition shall be referred to the Planning Commission for its recommendation to the City Council who shall approve or deny the petition by majority vote of a quorum of the Council.

(13) *Performance bond and security deposits.*

(a) Upon approval of a request for a conditional use permit, a variance, or whenever the granting of an appeal involves conditions imposed therewith, the applicant shall provide the city with a surety bond or performance bond or a cash deposit or other valuable and collectible security deposit which shall guarantee that the applicant shall comply with all of the imposed conditions as well as all of the city ordinances and which shall be subject to forfeiture as provided in this chapter.

(b) The amount of the bond or deposit shall be determined by the City Clerk's estimate of the cost of completing the use as proposed and shall be provided to the city prior to the issuance of a building permit or any initiation of work on the proposed use.

(c) The city shall hold the bond or deposit until a certificate of occupancy has been issued by the Building Inspector.

(d) Failure to comply with any condition imposed in granting the approval or with any other city ordinance provision within 6 months after written notice shall cause the bond or deposit to become forfeited to the city.

(Ord. 84, § 5.7, passed 3-9-1995; Am. Ord. passed 7-21-1999) Penalty, see § 10.99

§ 153.057 WATER SUPPLY AND SEWAGE TREATMENT.

(A) *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(B) *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows.

(1) Publicly-owned sewer systems must be used where available.

(2) All new and existing private sewage treatment systems shall meet the requirements in the city's Individual Sewage Treatment System Ordinance, as the same may be amended from time to time.

(Ord. 84, § 5.8, passed 3-9-1995; Am. Ord. passed 7-21-1999)

NONCONFORMITIES

§ 153.070 GENERALLY.

All legally established nonconformities as of the date of this chapter may continue, but they will be managed according to applicable state statutes and other regulations of the City of North Oaks for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in Shoreland Areas:

(Ord. 84, § 6, passed 3-9-1995; Am. Ord. passed 7-21-1999)

§ 153.071 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD.

(A) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of § 153.050 may be allowed as building sites without variances from lot size requirements of § 153.050, provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this chapter are met.

(B) (1) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot.

(2) In evaluating the variance, the City Council shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

CHAPTER 154: EROSION AND SEDIMENT CONTROL

Section

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§ 154.01 PURPOSE.

In response to the Metropolitan Surface Water Management Act and the Vadnais Lake Area Watershed Management Plan, the purpose of this chapter is to control and, where practical, eliminate erosion and sediment damage within the City of North Oaks. It is designed to safeguard the health, safety, and welfare of the citizens; to preserve the value of land throughout the city; to establish a reasonable design standard and procedure for development which prevents potential sediment damage; to prevent the pollution of streams, lakes, wetlands, and other watercourses by sediment; to minimize the danger of flood loss; and to preserve the natural beauty and aesthetics of the community.
(Ord. 75, passed 5-12-1988)

§ 154.02 SCOPE OF AUTHORITY.

(A) Except as exempted by § 154.04, any person, firm, corporation, or business proposing to develop land within the City of North Oaks shall apply to the city for approval of grading plans as specified in this chapter.

(B) No land shall be developed until the plans are approved by the city and conform to both Chapter 152 and to the standards set forth herein.

(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURE. All farm enterprises, such as crop land forage production, animal husbandry, dairy and poultry, silviculture, floriculture, turf farming, and truck farming.

CITY OF NORTH OAKS. The City Council or its Planning Commission and, where delegated, its City Clerk, City Building Inspector, or City Engineer that may be charged with the administration of this chapter.

DEVELOPER. A person, partnership, or corporation engaged in land development and not excluded by the exemption section of this chapter.

LAND DEVELOPMENT. The process of grading, clearing, filling, excavating, construction, or similar activities when not excluded by § 154.04.

DISTRICT. Ramsey Soil and Water Conservation District.

EROSION. The wearing away of land by action of wind, water, or gravity.

EROSION AND SEDIMENT CONTROL PLAN. The plan that shall be included as part of a preliminary site plan required under any other city ordinance or a separate plan following the requirements set out in this chapter (see Appendix B, USDA - Soil Conservation Service, Fact Sheet Practices and Related Techniques for Urban Areas).

MULCHING. The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing temporary or permanent vegetation.

OTHER MUNICIPAL ORDINANCES. City of North Oaks ordinances, such as, but not limited to zoning and subdivision.

POST-DISTURBANCE CONDITION. The state of a site following crop or development establishment in which source and/or structural control measures have been implemented resulting in erosion and sedimentation control achieving soil loss limits.

SEDIMENT. Rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

SEDIMENTATION. The erosion of soil and other pollutants by storm runoff, the lack of source and/or structural control, and the resulting introduction of the pollutants into the hydrologic system (wetlands and streams) either directly or conveyed by storm sewers and ditches.

SEDIMENT BASIN. A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

SITE PLAN. The plan submitted by the developer which incorporates information required by § 7.1 of Ordinance No. 59. A preliminary site plan shall be followed by a final site plan.

SOURCE CONTROL. The application of erosion techniques including but not limited to: mulching, seeding, sodding, and greenbelts (see Appendix A of Ordinance 75).

STRUCTURAL CONTROL. The application of construction erosion techniques, including but not limited to: sediment basins, silt fences, debris dams, dikes, terracing, rip-rap, and diversions (see Appendix A of Ordinance 75).

VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION. The joint powers board organized under M.S. §§ 103B.201 to 103B.251, as they may be amended from time to time, to manage the surface waters of the Vadnais Lake drainage area and hereinafter called the VLAWMO.

WORST CASE SOIL LOSS CONDITION. The state of a site which is denuded and the existing or interim rough grade contours are unstabilized and could create the greatest potential soil loss. (Ord. 75, passed 5-12-1988)

§ 154.04 EXEMPTIONS.

This chapter shall not apply to:

(A) Land under agricultural use unless soil loss as determined by the district is excessive;

(B) Any development involving 1 single-family residence in identified VLAWMO critical erosion areas unless the VLAWMO through the city has made a determination of existing or potential significant impact on the receiving water or wetland. If such a determination is made, the city may require temporary erosion or sediment control practices; and

(C) Any development involving less than 2.5 acres and located in VLAWMO noncritical erosion areas.

(Ord. 75, passed 5-12-1988)

§ 154.05 CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

In any such situation, where any other law, ordinance, or regulation of the City of North Oaks exists, the most restrictive of the regulations shall apply.

(Ord. 75, passed 5-12-1988)

§ 154.06 STANDARDS.

(A) All non-exempt development, as established by § 154.04, shall comply with standards and specifications established by the City of North Oaks with the assistance of the district.

(B) In determining compliance of the sediment control element of the plan with acceptable practice or agriculture land use, the city shall determine compliance and approval on the following basis.

(1) An average of 2 tons of soil loss per acre per year shall be deemed the maximum allowable soil loss rate in any given year following development.

(2) For agricultural land use, an average of 5 tons of soil loss per acre per year shall be deemed the maximum allowable rate of soil loss in any given year.

(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.07 APPROVAL AND FEES.

A separate application shall be required for each land development. Each plan submission shall contain the information required by § 154.08 and shall be submitted to the city office. A fee may be required for each application which shall be made payable to the City of North Oaks.
(Ord. 75, passed 5-12-1988)

§ 154.08 REQUIRED LAND DEVELOPMENT PLANS.

(A) (1) A developer must submit a preliminary site plan pursuant to § 7.1 of Ordinance No. 59, which shall include a narrative description and plans for erosion and sediment control.

(2) In addition, city expenses incurred in employing the services of the City Engineer, City Attorney, and other professional consultants in connection with the review of plans shall be reimbursed to the city.

(B) Upon receipt of the preliminary site plan, including erosion and sediment control, the city shall refer the plan to the VLAWMO for review in conformance with §§ 154.09 and 154.15.
(Ord. 75, passed 5-12-1988)

§ 154.09 PLAN PREPARATION PROCESS.

(A) The developer shall plan for necessary erosion and sediment control practices to ensure effective control of soil losses within the standards prescribed in § 154.06. It shall be the developer's option to select a specific practice or combination of practices from Appendix B of Ordinance 75 that will provide effective erosion and sediment control within the limits of generally accepted soil and water conservation technology and in concert with the particular development stage.

(B) The developer should be guided by the principles of erosion and sediment control prescribed in divisions (B)(1) and (B)(2) below or by any other acceptable principles and practices devised in cooperation with the city and by recommendation of the VLAWMO.

(1) Control shall be tailored to the topography and soils so as to create the least potential for soil loss, and maximum usage of vegetation should be utilized to minimize the inevitable soil loss through land disturbing activity.

(a) Natural vegetation should be retained wherever possible.

(b) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, the developer may leave the site in an exposed condition for a period of up to 30 calendar days as long as appropriate structural control measures have been implemented.

(c) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation and the site remains in a rough grade condition for a period of 30 to 90 days, then the developer shall mulch as a source control measure to complement appropriate structural control measures.

(d) Where inadequate natural vegetation exists, or where it becomes necessary to remove natural vegetation and the site remains in a rough grade condition for a period of 90 to 360 calendar days, the developer shall mulch and install temporary (annual) seeding as an erosion source control measure to complement appropriate structural control measures.

(e) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation and the site remains in a rough grade condition for a period longer than 1 calendar year, the developer shall install perennial seed and mulch as an erosion source control measure to complement appropriate structural control measures.

(f) During any of the development stages in which final landscaping and turf establishment is to be implemented, the soil shall not remain in an exposed condition for more than 15 calendar days.

(g) Erosion and sediment control elements should be implemented as soon as practical in the development stage.

(2) Appropriate provision should be made to accommodate increased storm water runoff and consequent soil loss occasioned by changed soil and surface conditions during and after development. The provisions may include, but are not limited to:

(a) The installation by the developer of permanent improvements such as: streets, storm sewers, curb and gutters, detention basins and other features for control of storm runoff, before removing vegetative cover from the areal; and

(b) The developer shall install and maintain sediment basins, debris basins, or silt traps to substantially reduce sediment from runoff water.

(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.10 PLAN APPROVAL PROCESS.

(A) *Comments of the VLAWMO.* When a site plan is submitted by the city to the VLAWMO, the VLAWMO shall make comments and recommendations. All the comments and recommendations shall be made in writing within 15 working days of receipt by the VLAWMO. The comments may pertain but not be limited to:

(1) Erosion and sediment control;

(2) Soil use limitations;

(3) Environmental considerations; and

(4) Water management.

(B) *Preliminary site plan approval.* After allowing for review and comment by the VLAWMO, the city shall approve, disapprove, or recommend modification of the site plan.

(C) *Final site plan approval.* Upon approval of the erosion and sediment control elements of the preliminary site plan or approval of a preliminary erosion and sediment control plan, the developer shall submit final plans which shall incorporate all recommendations and alterations agreed upon by the city and developer.

(D) *Erosion and sediment control approval.*

(1) Upon approval of a final site plan the city shall grant conditional approval.

(2) The approval may be revoked by either the city or VLAWMO or its representative if, upon periodic inspection, a determination is made that the work is not progressing in accordance with specifications of the approved plan.

(Ord. 75, passed 5-12-1988)

§ 154.11 INSPECTION AND COMPLIANCE.

(A) The VLAWMO shall be responsible for monitoring whether the erosion and sediment control elements of the site plan are in conformance with requirements specified in §§ 154.06 and 154.10 and whether development is proceeding according to the approved plan.

(B) Periodic inspection of the development site shall be performed by the city and the VLAWMO. In applying for an approval, the developer shall be deemed to have consented to the inspections.

(C) The city through the periodic inspections shall ensure that erosion and sediment control elements are implemented within time limits specified for a land development stage. In the event weather conditions or other factors beyond the control of the developer dictate that the above conditions cannot be met, the developer shall be allowed sufficient time for compliance.

(D) Any erosion or sediment control structure or vegetative practice rendered ineffective by an Act of God shall not be considered noncompliance with the provisions of this chapter if the structure or practice is restored to effectiveness within a reasonable length of time as determined by the VLAWMO.

(Ord. 75, passed 5-12-1988)

§ 154.12 MODIFICATION OF PLAN.

(A) An approved site plan may be modified upon submission of an application for modification to the city and subsequent approval by the city.

(B) In reviewing the application, the city may require additional reports and data.
(Ord. 75, passed 5-12-1988)

§ 154.13 BOND REQUIREMENT.

Upon approval of a site plan, the city may require the developer to post a performance bond, cash, or certified check to ensure completion of the erosion and sediment control elements.
(Ord. 75, passed 5-12-1988)

§ 154.14 SPECIFICATIONS FOR DOCUMENTS.

The requirements of erosion and sediment control elements of the site plan may be a separate document itself or superimposed on a preliminary plat if such be required under Chapter 152 for the particular development.
(Ord. 75, passed 5-12-1988)

§ 154.15 VIOLATIONS.

The city shall bring to the attention of the VLAWMO any violations or lack of compliance with this chapter.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.16 CIVIL ENFORCEMENT.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages and restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.
(Ord. 75, passed 5-12-1988) Penalty, see § 10.99

§ 154.17 EFFECTIVE DATE.

This chapter shall take effect and be in force after its passage and official publication.
(Ord. 75, passed 5-12-1988)